

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)**

MAROUANE OUZIZ, an individual;
MOORISH ENTERPRISES, LLC,

Plaintiff,

vs.

ATM OPERATING, INC.; ATM FUND 2016
LP; ATM FUND 2017 LP; ATM PORTFOLIO
2008 LP; ATM PORTFOLIO TEN LP;
TALISKER INVESTMENTS LP; ECLIPSE
CASH SYSTEMS, LLC; AND DOES 1
THROUGH 20, INCLUSIVE,

Defendants.

Case No.: 4:12-cv-02378-KAW

JOINT CASE MANAGEMENT STATEMENT
& ~~PROPOSED~~ ORDER

Action Filed: April 3, 2012

The parties to the above-entitled action jointly submit this JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER pursuant to the Standing Order for All Judges of the Northern District of California dated July 1, 2011 and Civil Local Rule 16-10(d).

1. Progress and Changes Since Last Statement

Plaintiffs MAROUANE OUZIZ and MOORISH ENTERPRISES, LLC, (collectively “OUZIZ”) have reached a settlement with Defendant/Counter-Claimant ECLIPSE CASH SYSTEMS, LLC (“ECLIPSE”) for all claims and counterclaims between them in this action. The Settlement Agreement and Release has been reduced to writing and signed by all parties. Counsel

1 for ECLIPSE intends to forward settlement funds to counsel for OUZIZ in the next seven days.
 2 Pursuant to the terms of the Settlement Agreement and Release, within five days after delivery of the
 3 Settlement Funds, OUZIZ and ECLIPSE will dismiss their respective claims pursuant to a
 4 Stipulation of Dismissal.

5 Defendants ATM OPERATING, INC.; ATM FUND 2016 LP; ATM FUND 2017 LP; ATM
 6 PORTFOLIO 2008 LP; ATM PORTFOLIO TEN LP; TALISKER INVESTMENTS LP were
 7 dismissed from this action on March 14, 2013. Therefore a dismissal of OUZIZ's and ECLIPSE's
 8 claims against one another will dispose of this matter entirely.

9 2. Other

10 Based on the foregoing, OUZIZ and ECLIPSE respectively request that this Court vacate the
 11 April 30, 2013, Case Management Conference and issue an Order that the Stipulation of Dismissal
 12 be submitted to the Court on or before May 30, 2013, or any date thereafter that the Court deems
 13 proper.

14 Dated: April 23, 2013

/s/ Lauren Saint

15 Lauren E. Saint
 16 Attorneys for Plaintiffs
 17 MAROUANE OUZIZ and MOORISH
 18 ENTERPRISES, LLC

19 Dated: April 23, 2013

/s/ Brad Vornholt

20 Derek Edwards
 21 Bradley J. Vornholt
 22 Attorneys for Defendant and Counterclaimant
 23 ECLIPSE CASH SYSTEMS, LLC
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~~[PROPOSED] CASE MANAGEMENT ORDER~~

The above JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER is approved as the Case Management Order for this case and all parties shall comply with its provisions. In addition, the Court makes the further order as stated below:

1. The April 30, 2013, further case management conference is VACATED.
2. The parties shall file a Stipulation of Dismissal on or before May 30, 2013.

IT IS SO ORDERED.

Dated: April 25, 2013


UNITED STATES MAGISTRATE JUDGE